

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AURORA COOPERATIVE ELEVATOR	)	
COMPANY, a Nebraska	)	
corporation,	)	
	)	
Plaintiff,	)	8:10CV294
	)	
v.	)	
	)	
COOPERATIVE FINANCE	)	ORDER
ASSOCIATION, INC., The, a	)	
Kansas and Missouri	)	
corporation,	)	
	)	
Defendant.	)	
	)	

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This matter is before the Court upon plaintiff Aurora Cooperative Elevator Company's ("Aurora Cooperative") request for leave to file a Supplemental Brief (Filing No. 79) in Opposition to defendant's Motion to Exceed Interrogatory Limit (Filing No. 62) pursuant to NECivR 7.0.1(c). Aurora Cooperative's Proposed Supplemental Brief is attached to Filing No. 79 as Exhibit A.

Aurora Cooperative claims defendant raised a new issue in its Reply Brief (Filing No. 72) when it proposed that it be allowed to withdraw a number of interrogatories already served and that the number of interrogatories allowed by defendant be calculated by excluding the withdrawn interrogatories. Aurora Cooperative contends such is a violation of Fed. R. Civ. P. 33(a). Defendant failed to file a response to this motion by the response date of June 27, 2011. The Court finds it is in the interests of justice

to allow Aurora Cooperative to respond to this new issue raised in defendant's Reply Brief.

IT IS ORDERED: Plaintiff Aurora Cooperative Elevator Company's request for leave to file a Supplemental Brief (Filing No. 79) is granted.

DATED this 29th day of June, 2011.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court